



Response to All Defendants' Motions to Dismiss or Transfer (Document No. 40, filed February 7, 2011), Reply Brief Supporting Defendants' Motion to Dismiss or Transfer (Document No. 41, filed February 17, 2011), and Reply Brief in Support of Defendants James Harris and Gregory Harris's Motion to Dismiss, or, Alternatively, to Sever and Transfer (Document No. 42, filed February 24, 2011), for the reasons set forth in the Memorandum dated June 15, 2011, **IT IS ORDERED** as follows:

1. The claims in the Complaint against defendants James Harris, Gregory Harris and Harris Consulting Services, Inc. ("the Harris Defendants") (Counts I and II) are **SEVERED** from the claims in the Complaint against defendants Bank of Commerce and Trust, Garden City State Bank, Peabody State Bank, Kendell State Bank, First United Bank and Trust, Kelly Drouillard and Quivira Capital, LLC ("the Bank Defendants") (Counts IV, V, VI and VII).<sup>1</sup>
2. All claims against the Harris Defendants (Counts I and II) are **TRANSFERRED** to the District of Nevada;
3. All claims against the Bank Defendants (Counts IV, V, VI and VII) are **TRANSFERRED** to the District of Kansas;
4. The Banks' Motion to Dismiss or Transfer (Document No. 19, filed January 7, 2011) is **GRANTED** to the extent it seeks transfer of the claims against them to the District of Kansas. All other issues raised in the motion are reserved for disposition by the transferee court;
5. Kelly Drouillard's Motion to Dismiss or Transfer (Document No. 21, filed

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<sup>1</sup> There is no Count III in the Complaint.

January 7, 2011) is **GRANTED** to the extent it seeks transfer of the claims against her to the District of Kansas. All other issues raised in the motion are reserved for disposition by the transferee court;

6. Quivira Capital, LLC's Motion to Dismiss (Document No. 23, filed January 7, 2011), is **GRANTED** to the extent it seeks transfer of the claims against it to the District of Kansas. All other issues raised in the motion are reserved for disposition by the transferee court;
7. Defendants James Harris and Gregory Harris's Motion to Dismiss, or, Alternatively, to Sever and Transfer (Document No. 29, filed January 14, 2011) is **GRANTED** to the extent it seeks a severance of the claims against them and a transfer of the claims against them to the District of Nevada. All other issues raised in the motion are reserved for disposition by the transferee court;
8. Defendant Harris Consulting Services, Inc.'s Motion to Dismiss, or, Alternatively, to Sever and Transfer (Document No. 31, filed January 14, 2011) is **GRANTED** to the extent it seeks a severance of the claims against it and a transfer of the claims against it to the District of Nevada. All other issues raised in the motion are reserved for disposition by the transferee court; and
9. The Clerk of Court shall **MARK** the case **CLOSED** for statistical purposes.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois  
**JAN E. DUBOIS, J.**